

***Montana Fish, Wildlife & Parks***  
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## **ENVIRONMENTAL ASSESSMENT CHECKLIST**

### **PART 1. PROPOSED ACTION DESCRIPTION**

**Project Title:** Lizard Lake Westslope Cutthroat Introduction

**Name, Address, Phone Number:**

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**Project Location:** Lizard Lake, Buck Creek Drainage, Gallatin County, MT (T8S R3E S 21)

**Description of Project:**

Lizard Lake was stocked as early as 1946 to establish a sport fishery. Although rainbow trout were first stocked, Yellowstone cutthroat trout have been stocked as late as 1991. Westslope cutthroat trout are native to the upper Gallatin drainage. Distribution of westslope cutthroat trout has become restricted to a few populations by competition and hybridization with non-native species and habitat degradation. In the Buck Creek drainage, westslope cutthroat trout are known to be hybridized with rainbow trout and Yellowstone cutthroat trout. Fish, Wildlife & Parks and the Gallatin National Forest are in the process of developing a Gallatin Sub-basin Management Plan for westslope cutthroat trout. The document includes a proposal to convert stocking of Lizard Lake from Yellowstone to westslope cutthroat trout to halt further hybridization with westslope cutthroat trout in the Buck Creek Basin.

In July 2003, FWP fisheries crews will conduct gill netting to determine status of the existing population. In late summer 2003, 1,500 two- to four-inch westslope cutthroat trout will be stocked to replace the remaining Yellowstone cutthroat trout to maintain the sport fishery and swamp out Yellowstone cutthroat trout genes in the system.

**Other groups or agencies contacted or which may have overlapping jurisdiction:**

Gallatin National Forest Hebgen Ranger District will be participating in the monitoring and is assisting in development of the sub-basin management plan.

**PART 2. ENVIRONMENTAL REVIEW**

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats			X			See below
3. Introduction of new species into an area			X			See below
4. Vegetation cover quantity and quality				X		
5. Water quality, quantity and distribution (surface or groundwater)				X		
6. Existing water right or reservation				X		
7. Geology and soil quality, stability, and moisture				X		
8. Air quality or objectionable odors				X		
9. Historical and archaeological sites				X		
10. Demands on environmental resources of land, water, air, and energy				X		
11. Aesthetics				X		

**Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

Westslope cutthroat trout are rare in the Gallatin drainage and are a candidate species under the Endangered Species Act. While Yellowstone cutthroat trout have similar status, they are not native to the Gallatin drainage.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat			X			See Below
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities			X			See Below
8. Locally adopted environmental plans and goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

## **Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

Recreational fishing may be disrupted temporarily at Lizard Lake. Westslope cutthroat trout will not reach catchable size for at least one year. In the interim, remaining Yellowstone cutthroat trout will continue to provide angling opportunities.

**Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?**

The only potential risk is genetic contamination with westslope cutthroat trout from a source outside of the upper Missouri Drainage. However, cutthroat in Buck Creek are already hybridized with rainbow and Yellowstone cutthroat trout, so further interbreeding could be considered an improvement.

**Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?**

No significant effect nor cumulative effect is likely.

**Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:**

1. No Action, leave Yellowstone cutthroat in Lizard Lake. Could result in further hybridization of westslope cutthroat trout in Buck Creek drainage.
2. Chemically remove Yellowstone cutthroat trout from Lizard Lake. Would require high profile, potentially controversial treatment.
3. Remove cutthroat trout and leave fishless. Would result in loss of recreational opportunities and would not provide genetic swamping of non-native genetic material.

**Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

**Individuals or groups contributing to, or commenting on, this EA:**

Scott Barndt, Fisheries Biologist, Gallatin National Forest

**EA prepared by:**

Patrick Byorth, Fisheries Biologist, Montana Fish, Wildlife & Parks

**Date Completed:** May 16, 2003

**Email comments to:** [phyorth@montana.edu](mailto:phyorth@montana.edu)

**Mail comments to:**

Montana Fish, Wildlife & Parks  
Lizard Lake Project  
1400 S 19<sup>th</sup> Street  
Bozeman MT 59718

**Comments due by:** 16 June 2003

## PPENDIX A

### PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

***(LIST ANY MITIGATION OR STIPULATIONS REQUIRED, OR NOTE "NONE")***

None; entirely on public land.

### DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO	
_____	<u>  X  </u>	1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
_____	<u>  X  </u>	2. Does the action result in either a permanent or indefinite physical occupation of private property?
_____	<u>  X  </u>	3. Does the action deprive the owner of all economically viable uses of the property?
_____	<u>  X  </u>	4. Does the action deny a fundamental attribute of ownership?
_____	<u>  X  </u>	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO, skip questions 5a and 5b and continue with question 6.]
_____	_____	5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?

_____	_____	5b.	Is the government requirement roughly proportional to the impact of the proposed use of the property?
_____	<u>  X  </u>	6.	Does the action have a severe impact on the value of the property?
_____	<u>  X  </u>	7.	Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is <b>NO</b> , do not answer questions 7a—7c.]
_____	_____	7a.	Is the impact of government action direct, peculiar, and significant?
_____	_____	7b.	Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
_____	_____	7c.	Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.